

## **REMARKS**

Claims 14-25, 40-45, and 52-53 have been allowed. Claims 29, 30, 36-39, and 46 are amended. No new subject matter is added. Claims 14-25 and 29-59 remain pending.

### ***Claim Rejections – 35 USC § 103***

Claims 29-37, 46-47, 49-50, 54-56 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) in view of U.S. Patent No. 5,534,724 to Nagamine (hereafter, 'Nagamine') and U.S. Patent No. 6,020,616 to Bothra et al. (hereafter, 'Bothra'). The applicant respectfully disagrees.

Claim 29 is amended to recite, *inter alia*, a plurality of transistor gates each having one or more gate extensions and a plurality of dummy gates each having one or more dummy gate extensions. The gate extensions extend over the active regions. The gate extensions and the dummy gate extensions are parallel to each other and have substantially identical spacing across the substrate. The amendments to claim 29 are fully supported by the original disclosure (see, e.g., FIG. 11).

The APA does not disclose a plurality of dummy gates (see FIG. 5).

It is alleged that Nagamine FIG. 3 teaches dummy gates 20 and transistor gates 10 (Office Action, page 2). However, these elements do not have substantially identical spacing across the substrate as required by claim 29. Pending claims must be interpreted in a way that is consistent with the specification (MPEP 2111). The specification shows that the dummy gate extensions and the gate extensions have identical spacing across the substrate (FIGS. 11 and 12).

Bothra does not disclose that the portion of the dummy polysilicon lines 226 that are parallel to the polysilicon lines 216 have identical spacing across the substrate (FIG. 3L).

Consequently, the combination of APA, Nagamine, and Bothra fails to disclose each element of claim 29 and a *prima facie* case of obviousness is not established under MPEP 2143.03. Claims 30-32 are believed to be allowable for at least the same reason as claim 29. Claim 30 is amended for consistency with claim 29.

Claim 33 recites, *inter alia*, first transistor gates and second transistor gates with a first gap between the gates, first dummy gates and second dummy gates with a second gap between the gates, that an adjacent first transistor gate and first dummy gate are separated by a third gap, and that an adjacent second transistor gate and second dummy gate are separated by a fourth gap. The first, second, third, and fourth gaps are substantially identical.

To the contrary, APA does not disclose dummy gates (FIG. 5). To the contrary, Nagamine discloses that the gap between the lowermost alleged dummy gate 20 and the uppermost alleged transistor gate 10 is much larger than the gaps between neighboring alleged dummy gates 20 and neighboring alleged transistor gates 10 (FIG. 3). To the contrary, Bothra does not disclose that the claimed first, second, third, and fourth gaps are substantially identical (FIG. 3L).

Consequently, the combination of APA, Nagamine, and Bothra fails to disclose each element of claim 33 and a *prima facie* case of obviousness is not established under MPEP 2143.03. Claims 34-35 are believed to be allowable for at least the same reason as claim 33.

Amended claim 36 recites, in part, that the divided gates and dummy divided gates are substantially complementary such that they form a uniform pattern over the substrate. This amendment is fully supported by the original disclosure (see, e.g., FIGS. 11 and 12 and accompanying disclosure)

APA does not disclose dummy divided gates (FIG. 5).

Neither Nagamine nor Bothra disclose divided gates and dummy divided gates that are substantially complementary such that they form a uniform pattern over the substrate. (See, e.g., Nagamine FIG. 3 and Bothra FIG. 3L)

Consequently, the combination of APA, Nagamine, and Bothra fails to disclose each element of claim 36 and a *prima facie* case of obviousness is not established under MPEP 2143.03.

Claims 37-39 were amended for consistency with claim 36, and they are believed to be allowable for at least the same reason as claim 36.

Amended claim 46 recites, *inter alia*, a plurality of dummy gates, each dummy gate having at least one second portion extending parallel to the elongated length of the at least two transistor gates, wherein a first adjacent transistor gate on one side of a dummy gate and a second adjacent transistor gate on another side of the dummy gate are equidistant from the dummy gate. The amendments to claim 46 are fully supported by the original disclosure.

To the contrary, APA FIG. 5 does not disclose a plurality of dummy gates. To the contrary, neither Nagamine FIG. 3 nor Bothra FIG. 3L show a first adjacent transistor gate on one side of a dummy gate and a second adjacent transistor gate on another side of the dummy gate that are equidistant from the dummy gate.

Consequently, the combination of APA, Nagamine, and Bothra fails to disclose each element of claim 46 and a *prima facie* case of obviousness is not established under MPEP

2143.03. Claim 47 through 51 are believed to be allowable for at least the same reasons as claim 46.

Claim 54 recites, *inter alia*, first dummy gates on said isolation portion aligned with said first transistor gates such that a portion of a first dummy gate extending in a first direction and a portion of a corresponding first transistor gate extending in the first direction share a common central axis.

To the contrary, APA does not disclose dummy gates. Neither Nagamine FIG. 3 nor Bothra FIG. 3L disclose a portion of a first dummy gate or a portion of a corresponding first transistor gate that extend in a first direction and share a common central axis.

Consequently, the combination of APA, Nagamine, and Bothra fails to disclose each element of claim 54 and a *prima facie* case of obviousness is not established under MPEP 2143.03. Claim 55, 56, 57, 58, and 59 are believed to be allowable for at least the same reasons as claim 54.

Claims 48, 51 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Nagamine and Bothra, as applied to claims 46 and 54 above, and further in view of U.S. Patent No. 6,174,741 to Hansch et al. (hereafter, 'Hansch'). The applicant respectfully disagrees.

Claims 48, 51, and 57 inherently contain the features of claims 46, 46, and 54, respectively. It was explained above how the combination of APA, Nagamine, and Bothra fail to teach each and every feature recited in claims 46 and 54. Hansch is not alleged to teach the features that APA, Nagamine, and Bothra fail to disclose. Consequently, under MPEP 2143.03, a *prima facie* case of obviousness is not established for claims 48, 51, and 57 by the APA/Nagamine/Bothra/Hansch combination.

Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA in view of Nagamine and Bothra, as applied to claims 36 and 37 above, and further in view of U.S. Patent No. 5,748,835 to Neugebauer (hereafter, 'Neugebauer'). The applicant respectfully disagrees.

Claims 38 and 39 inherently contain the features recited in claim 36. It was explained above how the combination of APA, Nagamine, and Bothra fail to teach each and every feature recited in claim 36. Neugebauer is not alleged to teach the features that APA, Nagamine, and Bothra fail to disclose. Consequently, under MPEP 2143.03, a *prima facie* case of obviousness is not established for claims 38 and 39 by the APA/Nagamine/Bothra/Neugebauer combination.

***Allowable Subject Matter***

Claims 14-25, 40-45 and 52-53 are allowed.

***Conclusion***

For the foregoing reasons, reconsideration and allowance of the pending claims of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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